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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

EULA CARTER, Plaintiff, v. MICHAEL J. ASTRUE, Commissioner of Social Security Administration, Defendant.	} } } } } } } }	Case No.: C 3:07-CV-1088 JL STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES UNDER THE EAJA: AND ORDER
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TO THE HONORABLE JAMES LARSON, MAGISTRATE JUDGE OF
THE DISTRICT COURT:

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that counsel, as assignee for plaintiff, be awarded attorney fees under the Equal Access to Justice Act (EAJA) in the amount of TWO THOUSAND-THREE HUNDRED dollars (\$2,300.00). This amount represents compensation for all legal services rendered on behalf of plaintiff by his attorney in connection with this civil action for services performed before the district court through remand, in accordance with 28 U.S.C. § 2412(d).

1 The stipulation is entered into for the sole purpose of settling all disputed
2 claims regarding EAJA and avoiding the expenses and risks of litigation. This
3 stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
4 attorney fees, costs, and expenses. This stipulation does not constitute an
5 admission of liability on the part of Defendant under the EAJA. This stipulation
6 does not settle, or compromise the question of whether Marc V. Kalagian may be,
7 is, or should be the direct payee of an award of fees, costs, and expenses under the
8 EAJA in the absence or presence of an express or implied assignment of such an
9 award nor whether any such award is free from or subject to debts of Plaintiff, if
10 any, under the Debt Collection Act of 1996, 31 U.S.C. § 3716, or as to any issue
11 regarding the applicability of the Assignment of Claims Act, 31 U.S.C. § 3727.

12 Neither this agreement nor the substance herein shall, in full or in part, be
13 quoted, cited or referred to in any document filed in any case but the present one
14 and it shall not, in full or in part, be attached to any document filed in any case but
15 the present one.

16 Payment of TWO THOUSAND-THREE HUNDRED dollars (\$2,300.00) in
17 EAJA attorney fees, costs, and expenses to Marc V. Kalagian, as Plaintiff's
18 assignee, shall constitute a complete release from and bar to any and all claims
19 plaintiff may have relating to EAJA attorney fees and costs in connection with this
20 action. Any payment shall be made payable to Plaintiff's counsel as Plaintiff's
21 assignee and delivered to Plaintiff's counsel.

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1 This award is without prejudice to the rights of plaintiff's counsel to seek
2 Social Security Act attorney fees, under 42 U.S.C. § 406, subject to the offset
3 provisions of the EAJA.

4 DATE: May 15, 2008

Respectfully submitted,

5 ROHLFING & KALAGIAN, LLP

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7 BY: /s/ Marc V. Kalagian
8 Attorney for plaintiff Elizabeth Burnett

9 DATE: May 15, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

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12 BY: /s/ Marc V. Kalagian*
13 Peter Thompson
14 Special Assistant United States Attorney
15 Attorneys for defendant Michael J. Astrue,
Commissioner of Social Security
Administration

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17 * by e-mail authorization of May 14, 2008

18 **ORDER**

19 Based upon the parties' Stipulation for the Award and Payment of Equal
20 Access to Justice Act Fees, IT IS ORDERED that the Commissioner shall pay to
21 Marc V. Kalagian, as Plaintiff's assignee and subject to the reservation of rights,
22 the amount of TWO THOUSAND-THREE HUNDRED dollars and NO
23 CENTS(\$2,300.00) as authorized by 28 U.S.C. § 2412(d), subject to the terms of
24 the above-referenced Stipulation.

25 DATE: May 20, 2008

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28 THE HONORABLE JAMES LARSON
UNITED STATES MAGISTRATE JUDGE